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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,429	12/08/2000	Kevin D. Bair	STL000040US2/1716P	2095

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09/17/2003

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EXAMINER

THAI, HANH B

ART UNIT

PAPER NUMBER

2171

DATE MAILED: 09/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/733,429

Applicant(s)

BAIR, KEVIN D.

Examiner

Hanh B Thai

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on amendment dated 8/25/03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-39 and 43-48 is/are pending in the application.
- 4a) Of the above claim(s) 40-42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 and 43-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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This is in response to amendment dated August 25, 2003 in which claims 40-42 are withdrawn from consideration and claims 43-48 are new added.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

35 U.S.C. § 102(e), as revised by the AIPA and H.R. 2215, applies to all qualifying references, except when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. For such patents, the prior art date is determined under 35 U.S.C. § 102(e) as it existed prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. § 102(e)).

Claims 1-39 and 43-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Raz (U. S. Patent no. 6,292,827) of record.

Regarding claims 1, 14 and 27, Raz discloses a method at (Fig.1-Fig.3, Raz) for accessing information on a network (2, Fig.1), the method comprising the steps of:

a) allowing a first system (12, Fig.3) to submit a query to a second system (18, Fig3, Raz); please note that the client terminal and sever are correspond to the first system and second system.

b) processing the query with the second system, wherein the second system utilizes only information in a storage area not residing on the second system to process the query (see Fig. 1-3 and col. 4, lines 34-40 and col. 5, lines 5-10, Raz). The information resides in the external system that will provide for the second system's query whenever needed; and

c) utilizing the second system to return a result of the processed query to the first system (Fig.1-Fig.3 and summary of Raz).

Regarding claim 2, Raz further discloses in FIG.1 the method wherein the first system comprises a client machine (1) and the second system comprises a server machine (9, Fig.1, Raz).

Regarding claim 3, Raz further discloses the method wherein the information comprises data and metadata (column 5, lines 66-67, Raz).

Regarding claim 4, Raz further discloses the method wherein the metadata comprises information about objects (column 5, lines 62-67, Raz).

Regarding claim 5, Raz further discloses the method wherein the objects comprise tables, triggers and indexes (FIG. 8-10, Raz).

Regarding claim 6, Raz further discloses the method wherein a first protocol is utilized by the client machine to submit the query and the query includes data and metadata along with a request to perform an operation on the data and metadata (column 3, lines 58-66, Raz).

Regarding claim 7, Raz further discloses the method wherein a first protocol is utilized by the client machine to submit the query and the query includes a pointer to the data and metadata along with a request to perform an operation on the data and metadata (column 3, lines 58-66 and column 5, line 62 to column 6 line 7, Raz).

Regarding claim 8, Raz further discloses the method wherein the server machine implements a second protocol to process the query (column 8, lines 51-54, Raz).

Regarding claim 9, Raz further discloses the method wherein the processing of the query comprises the server machine performing the requested operation on the data and metadata (FIG. 7 and column 5, line 60 to column 6, line 7, Raz).

Regarding claim 10, Raz further discloses the method wherein the network comprises the Internet (FIG. 1, Raz).

Regarding claim 11, Raz further discloses the method wherein the server machine implements a second protocol to process the query (column 8, lines 51-54, Raz).

Regarding claim 12, Raz further discloses the method wherein the processing of the query comprises the server machine performing the requested operation on the data and metadata (FIG. 7 and column 5, line 60 to column 6, line 7, Raz).

Regarding claim 13, Raz further discloses the method wherein the network comprises the Internet (FIG. 1, Raz).

Regarding claims 15-26 and 28-39, the elements of these claims are rejected in the analysis above and these claims are rejected on that basis.

Regarding claims 43, 45 and 47, Raz further discloses that the storage area resides on the third system (col. 4, lines 31-40, Raz). The external system corresponds to the third system.

Regarding claims 44, 46 and 48, Raz further discloses that the storage area resides on the first system (see summary of Raz). “client terminal” corresponds to the first system that the distributed data resides at.

### ***Response to Arguments***

Applicant argues, Raz does not teach or suggest “processing the query with the second system, wherein the second system utilizes only information in a storage area not residing on the second system to process the query” (response 8/25/03). The examiner respectfully disagrees

because Raz teaches the limitations of the claimed limitation. For example, Raz teaches the external systems (see 11, Fig. 1, Raz) that store the information. When an application requires information that is not on the network information database servers, the external system (11, Fig. 1) will provide the needed information (see col. 4, lines 31-40, Raz) and the external system is separate from the server system utilizes information that qualify the claimed limitation.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


### *Conclusion*


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh B Thai whose telephone number is 703-305-4883. The examiner can normally be reached on 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 2171

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Hanh Thai   
Art Unit 2171  
September 12, 2003

  
UYEN LE  
PRIMARY EXAMINER  
AU 2171